

Message Text

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PASS ASST SECY KATZ AND DAS BARRACLOUGH ONLY

E.O. 11652:N/A

TAGS: ESTC

SUBJECT: EXPORT CONTROL POLICY--MEETING OF DEPUTY SECRETARY
WITH UNDERSECRETARY HARMAN

THIS CABLE IS IN THREE PARTS: (1) TEXT OF TARNOFF-KATZ
MEMO ON ABOVE SUBJECT, DATED JULY 5; (2) WEIL'S COMMENTS
ON KATZ' MESSAGE; AND (3) STATUS OF PROPOSED MEMO IN E.

PART I: TARNOFF-KATZ MEMO (OTHER ADDRESSEES ARE AF, EA,
EUR, NEA, HA, PM, S/P) TEXT FOLLOWS:

THE DEPUTY SECRETARY WILL MEET WITH UNDER SECRETARY OF
COMMERCE HARMAN IN THE NEAR FUTURE TO DISCUSS POSSIBLE
PROCEDURAL AND SUBSTANTIVE IMPROVEMENTS IN OUR EXPORT
CONTROL POLICY. IN PREPARATION FOR THIS MEETING, MR.
CHRISTOPHER HAS ASKED FOR A MEMORANDUM DISCUSSING POSSIBLE
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CHANGES IN OUR POLICY. EB SHOULD TAKE THE LEAD IN PREPAR-
ING THE MEMORANDUM, IN COORDINATION WITH RELEVANT BUREAUS.

AS TO PROCEDURE, THE MEMORANDUM SHOULD CONSIDER WAYS OF
ACHIEVING CLOSER COORDINATION WITH COMMERCE IN IMPLEMENTING
OUR EXPORT CONTROL POLICY, TO ENSURE THAT EXPORTERS
RECEIVE CLEAREST POSSIBLE GUIDANCE AT THE EARLIEST POSSIBLE

TIME. AS TO SUBSTANCE, THE MEMORANDUM SHOULD CONSIDER WAYS

OF MINIMIZING EXPORT CONTROLS CONSISTENT WITH OUR FOREIGN POLICY OBJECTIVES AND STATUTORY OBLIGATIONS. THE MEMORANDUM SHOULD ADDRESS, BUT NEED NOT BE LIMITED TO, QUESTIONS ALREADY RAISED ABOUT OUR POLICY--E.G., MR. COOPER'S INQUIRY ABOUT A SYSTEM OF CLOSER LIAISON WITH COMMERCE TO PROVIDE EARLY WARNING OF POSSIBLE CHANGES IN EXPORT CONTROLS, OR THE COMMERCE DEPT'S QUESTIONS ABOUT OUR REQUEST THAT VALIDATED LICENSES BE REQUIRED FOR CERTAIN EXPORTS THAT POSE POTENTIAL PROBLEMS FOR OUR HUMAN RIGHTS AND ANTI-TERRORISM POLICIES (SEE ASSISTANT SECRETARY WEIL'S LETTER OF JUNE 1 TO MR KATZ). THE MEMORANDUM SHOULD TAKE INTO ACCOUNT THE WORK UNDERTAKEN IN CONNECTION WITH THE EXPORT PROMOTION TASK FORCE AND IN OTHER CONTEXTS. A SUGGESTED OUTLINE IS ATTACHED.

THE MEMORANDUM WILL SERVE AS A BASIS FOR DISCUSSION AMONG SEVENTH FLOOR PRINCIPALS AND RELEVANT BUREAUS TO PRECEDE THE MEETING WITH COMMERCE OFFICIALS. AFTER THOSE MEETINGS, AND APPROPRIATE FOLLOW-UP, RECOMMENDATIONS FOR ACTION WILL GO FORWARD TO THE SECRETARY FOR DECISION.

WE WOULD LIKE TO HAVE THE MEMORANDUM IN S/S BY JULY 11. THE S/S ACTION OFFICER IS DONALD PLANTY. END TEXT

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FOLLOWING IS TEXT OF ATTACHMENT, ENTITLED SUGGESTED OUTLINE FOR MEMORANDUM/ EXPORT CONTROLS POLICY:

I. PROCEDURAL PROPOSALS

A. POSSIBILITY FOR EARLY WARNING SYSTEM FOR CHANGES IN EXPORT CONTROL POLICY.

B. DISSEMINATION OF STATE DEPARTMENT GUIDANCE ON PARTICULAR COUNTRIES, COMMODITIES, AND END USERS TO COMMERCE FIELD OFFICES AND LICENSING TECHNICIANS.

C. AUTOMATIC STATE DEPARTMENT REVIEW OF EXPORTS OF CERTAIN COMMODITIES (E.G., CRIME CONTROL EQUIPMENT) OR TO CERTAIN COUNTRIES (E.G., SUPPORTERS OF INTERNATIONAL TERRORISM), AND REQUIREMENT OF VALIDATED LICENSES FOR THESE CATEGORIES OF EXPORTS TO FACILITATE THIS REVIEW.

D. CLOSER COORDINATION WITH AGENCIES OTHER THAN COMMERCE (E.G., EXIM).

E. OTHER PROPOSALS.

II. SUBSTANTIVE PROPOSALS

A. COMMERCE DEPARTMENT QUESTIONS ABOUT CONTROLS ON EXPORTS TO OR FOR USE BY THE POLICE OR MILITARY OF LIBYA, IRAQ, OR PDRY AND ABOUT CONTROLS ON EXPORT OF CRIME CONTROL AND OTHER LAW ENFORCEMENT EQUIPMENT TO COUNTRIES OTHER THAN NATO AND ANZUS MEMBERS AND JAPAN. THE MEMORANDUM ALREADY SENT FROM NEA TO THE SECRETARY ON EXPORT LICENSES FOR BOEING 727'S FOR LIBYA ELIMINATES THE NEED FOR TREATMENT OF THIS MATTER RECENTLY RAISED BY COMMERCE.

B. GENERAL RECOMMENDATION OF DRAFT EXPORT PROMOTION TASK FORCE(EPTF) REPORT THAT CONTROLS FOR FOREIGN POLICY LIMITED OFFICIAL USE

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REASONS BE MINIMIZED WHEN COMMODITIES ARE READILY AVAILABLE FROM A FOREIGN SOURCE.

C. OTHER SPECIFIC RECOMMENDATIONS OF EPTF DRAFT SUCH AS CLARIFYING THE CONDUCT SUBJECT TO PROSECUTION UNDER THE FOREIGN CORRUPT PRACTICES ACT, AND RATIONALIZING INCONSISTENT PROVISIONS OF THE ANTI-BOYCOTT LEGISLATION.

D. OTHER. END TEXT

NOTE: EB STAFF ASSISTANT HAS INFORMED S/S AND E(WHICH DID NOT TAKE PART IN DRAFTING MEMORANDUM) THAT JULY 11 DEADLINE WOULD NOT BE POSSIBLE.

PART II: STAFF ASSISTANT PHONED WEIL WEDNESDAY WITH KATZ' MESSAGE. WEIL SAID HE WOULD TRY TO ENCOURAGE A MEETING THAT FOCUSES ON POLICY RATHER THAN INDIVIDUAL CASES AND THAT TIME OF MEETING WAS NOT A MAJOR CONCERN. HOWEVER, THOUGH WEIL WELCOMES HARMAN'S PARTICIPATION, HE SAID THAT HARMAN DOES NOT USUALLY DEAL WITH EXPORT CONTROL POLICY OR CASES; OSHKOSH WAS AN EXCEPTION. WEIL AND MARCUSS ARE APPROPRIATE COMMERCE OFFICIALS AND SHOULD BE KEPT INFORMED. ALSO, WEIL IS ANXIOUS FOR QUICK RESPONSE ON SEVERAL OUTSTANDING CASES, PARTICULARLY 727'S FOR LIBYA. STAFF ASSISTANT MENTIONED THAT DEPARTMENT HAD RECEIVED HARMAN'S LETTER ON THAT CASE BUT DID NOT MENTION ACTION MEMO TO SECRETARY.

PART III: E-JOHNSTON DID NOT GIVE COOPER COPY OF DRAFT ACTION MEMO TO SECRETARY ON EXPORT CONTROLS FOR NON-STRATEGIC PURPOSES. HE FELT THAT THE COVER MEMO SHOULD HAVE THE BENEFIT OF KATZ' VIEWS. HE HOPES TO HEAR FROM KATZ FROM GENEVA SINCE COOPER HOPES TO SEE IT AFTER HIS LIMITED OFFICIAL USE

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RETURN MONDAY. VANCE

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Message Attributes

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